

Minutes of the Regular Business Meeting of the  
Board of Mayor and Aldermen of the City of Kingsport, Tennessee  
Tuesday, June 7, 2011, 7:00 PM  
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding  
Alderman Valerie Joh  
Vice-Mayor Benjamin K. Mallicote  
Alderman Charles K. Marsh, Jr.

Alderman Larry A. Munsey  
Alderman Tom C. Parham  
*(attended telephonically)*  
Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager  
J. Michael Billingsley, City Attorney  
James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Ryan McReynolds, Public Works Director.
- II.B. **INVOCATION:** By Thomas Legg, Pastor, Southview Community Church of the Nazarene.
- III. **ROLL CALL:** By City Recorder Jim Demming. Absent: Alderman Tom C. Parham who attended telephonically from 7:10 p.m. until adjournment.
- IV. **RECOGNITIONS AND PRESENTATIONS.** Mayor Phillips recognized incoming Alderman Tom Segelhorst, noting Mike McIntire was on vacation.
- V. **APPROVAL OF MINUTES.**

Motion/Second: Marsh/Joh, to approve minutes for the following meetings:

- A. May 16, 2011 Regular Work Session
- B. May 17, 2011 Regular Business Meeting

Approved: All present voting "aye."

***[Alderman Parham joined the meeting telephonically at this time—7:10 p.m.]***

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.**

1. **Public Hearing and Consideration of an Ordinance to Adopt the FY11-12 Budget** (AF: 134-2011). City Manager Campbell pointed out there were no tax increases or changes in rate.

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**PUBLIC COMMENT ON ITEM VI.AA.1. None.**

Motion/Second: Munsey/Marsh, to pass:

AN ORDINANCE OF THE CITY OF KINGSFORT, TENNESSEE, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012, AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**2. Public Hearing and Consideration of an Ordinance to Adopt the FY11-12 Water Fund Budget (AF: 135-2011).**

**PUBLIC COMMENT ON ITEM VI.AA.2. None.**

Motion/Second: Joh/Marsh, to pass:

AN ORDINANCE OF THE CITY OF KINGSFORT, TENNESSEE, ADOPTING A FINAL WATER FUND BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012, AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**3. Public Hearing and Consideration of an Ordinance to Adopt the FY11-12 Sewer Fund Budget (AF: 136-2011).** City Manager Campbell noted a 5% rate increase only for customers outside of the city.

**PUBLIC COMMENT ON ITEM VI.AA.3. None.**

Motion/Second: Munsey/Shupe, to pass:

AN ORDINANCE OF THE CITY OF KINGSFORT, TENNESSEE, ADOPTING A FINAL SEWER FUND BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012, AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**A. PUBLIC COMMENT.** Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

**B. BUSINESS MATTERS REQUIRING FIRST READING.**

**1. Consideration of an Ordinance Accepting the Staffing for Adequate Fire and Emergency Response (SAFER) Grant from the U.S. Department of Homeland Security (AF: 88-2011).** City Manager Campbell remarked the City was fortunate to receive this grant a second time, noting it would pay six fire fighters for two years and the City would maintain their salaries after year three.

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Motion/Second: Joh/Munsey, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM U.S. DEPARTMENT OF HOMELAND SECURITY FOR THE YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**2. Consideration of an Resolution Accepting Funds from the Office of the Justice Program Secured by South Central Kingsport Weed and Seed Corporation and Consideration of a Budget Ordinance to Appropriate Funds Received by South Central Kingsport Weed and Seed Corporation (AF: 120-2011).**

Motion/Second: Munsey/Shupe, to pass:

**Resolution No. 2011-231,** A RESOLUTION ACCEPTING GRANT FUNDS FROM THE SOUTH CENTRAL KINGSFORT WEED AND SEED CORPORATION FOR USE IN FUNDING PROGRAMS AT THE V.O. DOBBINS, SR. CENTER WHICH SERVES AS A SAFE HAVEN FOR THE SOUTH CENTRAL KINGSFORT WEED AND SEED CORPORATION

Passed: All present voting "aye."

Motion/Second: Shupe/Joh, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT- SPECIAL REVENUE FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM SOUTH CENTRAL WEED AND SEED; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**3. Consideration of an Ordinance Providing for the FY12 Community Development Block Grant Budget (AF: 128-2011).**

Motion/Second: Munsey/Shupe, to pass:

AN ORDINANCE TO APPROPRIATE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**4. Consideration of an Ordinance Providing for the FY12 Emergency Shelter Grant Budget (AF: 129-2011).**

Motion/Second: Joh/Shupe, to pass:

AN ORDINANCE TO APPROPRIATE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT EMERGENCY SHELTER GRANT FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

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**5. Consideration of an Ordinance Amending Imposition of Court Costs in Certain Cases** (AF: 145-2011). City Manager Campbell gave details on this item, stating that regarding the red light cameras, the \$50 court cost fine cannot be assessed on the front end but could be added after a period of time. Mayor Phillips clarified that beginning on July 1<sup>st</sup> a red light ticket for a right turn on red violation would now be \$50 instead of \$100. City Attorney Billingsley confirmed for Vice-Mayor Mallicote that the law requires this change. Mr. Campbell confirmed for Alderman Marsh the financial impact would be \$150,000 to \$200,000 and discussed ways to deal with the shortfall.

Vice-Mayor Mallicote made a motion, seconded by Alderman Joh to amend the ordinance so that subparagraph (a) in Section 1 is deleted and replaced with a paragraph that was read by City Attorney Billingsley. The motion passed with all present voting "aye."

Motion/Second: Joh/Munsey, to pass, as amended:

AN ORDINANCE TO AMEND SECTION 34-33 OF THE CODE OF ORDINANCES, CITY OF KINGSFORT, TENNESSEE, TO PROVIDE FOR ESTABLISHING COURT COSTS BY ORDINANCE; TO PROVIDE FOR IMPOSITIONS OF COURT COSTS FOR CITATIONS ISSUED PURSUANT TO AUTOMATED ENFORCEMENT SET OUT IN SECTION 102-55 OF THE CODE OF ORDINANCES; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**6. Consideration of an Ordinance to Adopt the FY11-12 Metropolitan Planning Project Grant Budget** (AF: 139-2011).

Motion/Second: Marsh/Shupe, to pass:

AN ORDINANCE TO APPROPRIATE METROPOLITAN PLANNING GRANT PROJECT FUNDS; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**7. Consideration of an Ordinance to Adopt the FY11-12 Special Schools Projects Grant Fund Budget** (AF: 137-2011). City Manager Campbell pointed out this was separate from the school's big budget.

Motion/Second: Joh/Shupe, to pass:

AN ORDINANCE TO ESTABLISH SPECIAL SCHOOL GRANT PROJECT FUND 145 FOR SPECIAL SCHOOL PROJECTS GRANT, TO APPROPRIATE SUCH FUNDS AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**8. Consideration of an Ordinance to Adopt the FY11-12 School Public Law 93-380 Grant Project Fund Budget** (AF: 138-2011). City Manager Campbell noted this consisted of four million dollars from the federal government.

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Motion/Second: Joh/Shupe, to pass:

AN ORDINANCE TO ESTABLISH PL93-380 GRANT PROJECT FUND FOR THE  
PL93-380 GRANT, TO APPROPRIATE SUCH FUNDS AND TO FIX THE EFFECTIVE  
DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**9. Consideration of an Ordinance to Adopt the FY11-12 Urban  
Mass Transit Budget (AF: 140-2011).** Alderman Marsh commented that although the  
KATS (Kingsport Area Transit System) program cost over one million dollars, it was a  
needed service and encouraged citizens to utilize it.

Motion/Second: Joh/Shupe, to pass:

AN ORDINANCE TO APPROPRIATE URBAN MASS TRANSIT GRANT PROJECT  
FUNDS AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.** None.

**D. OTHER BUSINESS.**

**1. Consideration of a Resolution Authorizing the Mayor to  
Execute a Rights-of-Way Easement with Kingsport Power (AF: 125-2011).** City  
Manager Campbell explained this was necessary for the remodel of the Press building.

Motion/Second: Shupe/Mallicote, to pass:

**Resolution No. 2011-232,** A RESOLUTION AUTHORIZING THE MAYOR TO  
EXECUTE A RIGHT-OF-WAY EASEMENT WITH KINGSFORT POWER COMPANY

Passed: All present voting "aye."

**2. Consideration of a Resolution Awarding the Bid for the  
Purchase of One Bucket Truck to Smoky Mountain Truck Center (AF: 142-2011).**

Motion/Second: Joh/Shupe, to pass:

**Resolution No. 2011-233,** A RESOLUTION AWARDING THE BID FOR PURCHASE  
OF ONE DIESEL BUCKET TRUCK TO SMOKY MOUNTAIN TRUCK CENTER AND  
AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR  
THE SAME

Passed: All present voting "aye."

**3. Consideration of a Resolution Authorizing the City of  
Kingsport, for the Benefit of the School Food and Nutrition Services, to Complete  
a Merchant Application with First National Bank Omaha and Authorizing the  
Mayor to Sign All Applicable Documents (AF: 127-2011).** City Manager Campbell  
noted this program would allow families to have an account that can be deducted from.

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Motion/Second: Mallicote/Joh, to pass:

**Resolution No. 2011-234**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MERCHANT APPLICATION WITH THE FIRST NATIONAL BANK OF OMAHA FOR THE KINGSFORT SCHOOLS FOOD AND NUTRITION SERVICES AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

**4. Consideration of a Resolution Authorizing the Mayor to Execute All Necessary and Proper Documents to Update the Agreement for Services for the Diabetes Management Program (AF: 122-2011).** City Manager Campbell gave details on this item, noting increased participation. Responding to Mayor Phillips, he also explained the possible long-term impact for individuals in the program.

Motion/Second: Munsey/Shupe, to pass:

**Resolution No. 2011-235**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH WILSON PHARMACY, INC./CLINICAL MANAGEMENT CONCEPTS, INC. FOR A DIABETES MANAGEMENT PROGRAM AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

**5. Consideration of a Resolution Authorizing the Mayor to Execute Agreements with Various Agencies and Organizations for Community Development Block Grant and Emergency Shelter Grant Funding in FY 2011-2012 (AF: 130-2011).**

Motion/Second: Joh/Shupe, to pass:

**Resolution No. 2011-236**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS WITH VARIOUS AGENCIES AND ORGANIZATIONS FOR COMMUNITY DEVELOPMENT BLOCK GRANT AND EMERGENCY SHELTER GRANT FUNDING IN FISCAL YEAR 2011-2012

Passed: All present voting "aye."

**6. Consideration of a Resolution Authorizing the Mayor to Amend the Contract with Workspace Interiors for the Final Dollar Amount of Procuring Furniture, Fixtures and Equipment (FF&E) for the Meadowview Executive Conference Center Project (AF: 131-2011).**

Motion/Second: Joh/Munsey, to pass:

**Resolution No. 2011-237**, A RESOLUTION AUTHORIZING THE MAYOR TO AMEND THE CONTRACT WITH WORKSPACE INTERIORS, INC. TO REFLECT THE FINAL ACTUAL COST OF PROCURING FURNITURE, FIXTURES AND EQUIPMENT FOR THE MEADOWVIEW EXECUTIVE CONFERENCE CENTER

Passed: All present voting "aye."

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**7. Consideration of a Resolution Authorizing the Execution of an Amendment to the Agreement with Simply Fresh Produce Company and Authorizing the Mayor to Sign All Applicable Documents (AF: 132-2011).**

Motion/Second: Mallicote/Joh, to pass:

**Resolution No. 2011-238**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RENEWAL OF AN AGREEMENT WITH SIMPLY FRESH PRODUCE COMPANY FOR ITEMS FOR SCHOOL NUTRITION SERVICES

Passed: All present voting "aye."

**8. Consideration of a Resolution Authorizing the Execution of an Amendment to the Agreement with Otis Spunkmeyer and Authorizing the Mayor to Sign All Applicable Documents (AF: 133-2011).**

Motion/Second: Joh/Munsey, to pass:

**Resolution No. 2011-239**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RENEWAL OF AN AGREEMENT WITH OTIS SPUNKMEYER FOR CERTAIN BAKERY ITEMS FOR SCHOOL NUTRITION SERVICES

Passed: All present voting "aye."

**9. Consideration of a Resolution to Authorize Withdrawal from the Tennessee Consolidated Retirement System (AF: 115-2011).** City Manager Campbell gave details on this item, noting City Recorder Demming had called to verify the voting numbers that were in question at the work session. A 2/3 vote is required to put TCRS on notice (meaning five aye votes) but only a majority vote of present members is needed to rescind the notice next year. He further commented that this would not affect present employees. Alderman Parham explained this was not a final decision, but bought some flexibility to allow for one in the future. Vice-Mayor Mallicote pointed out the Board had already considered this issue a year ago and that it failed to pass. He further stated there should have been more information presented before a decision is made. Mr. Campbell replied that there would be new information regarding the change in the percentage rate, but would not be available until February. The City would have to wait until next June to put TCRS on notice if the Board decided to wait for this information. Mayor Phillips clarified that the notice had to be given July 1 and not just at any time during the year. The Vice-Mayor pointed out the only issue would be the increased cost to the City for new hires and that the decision should be made based on 20 years rather than 12 months. Discussion followed before the Mayor called for a vote.

Motion/Second: Munsey/Parham, to pass:

**Resolution No. 2011-240**, A RESOLUTION FOR A POLITICAL SUBDIVISION TO VOLUNTARILY WITHDRAW FROM PARTICIPATING IN THE TENNESSEE CONSOLIDATED RETIREMENT SYSTEM IN ACCORDANCE WITH TENNESSEE CODE ANNOTATED, TITLE 8, CHAPTERS 34 – 37

Passed: Joh, Marsh, Munsey, Parham, and Phillips voting "aye" and Mallicote and Shupe voting "nay."



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**10. Consideration of a Resolution for Approval of a Subcontract with South Central Kingsport Community Development Corporation to Provide Prevention Services and With Mr. Stephen Buttolph for Evaluation Services for a Community Crime Reduction Byrne/JAG Grant and Authorize the Mayor to Sign All Documents Necessary to Execute (AF: 143-2011).**

Motion/Second: Mallicote/Munsey, to pass:

**Resolution No. 2011-241**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUBCONTRACT WITH SOUTH CENTRAL KINGSPORT COMMUNITY DEVELOPMENT CORPORATION TO PROVIDE PREVENTION SERVICES; A SUBCONTRACT WITH MR. STEPHEN E. BUTTOLPH FOR EVALUATION SERVICES FOR A COMMUNITY CRIME REDUCTION/ BYRNE JAG GRANT; AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE CONTRACT

Passed: All present voting "aye."

**E. APPOINTMENTS/REAPPOINTMENTS.** None.

**VII. CONSENT AGENDA.**

**Consent Agenda items are considered under one motion.**

Motion/Second: Joh/Munsey, to adopt:

**1. Consideration of an Ordinance to Amend the FY 2011 General Purpose School Fund (AF: 109-2011).**

Adopt:

**Ordinance No. 6081**, AN ORDINANCE TO AMEND THE FY 2010-11 GENERAL PURPOSE SCHOOL FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Shupe and Phillips voting "aye."

**2. Consideration of an Ordinance to Amend the FY 2011 Schools Federal Projects Fund Budget (AF: 110-2011).**

Adopt:

**Ordinance No. 6082**, AN ORDINANCE TO AMEND THE FY 2011 SCHOOL FEDERAL GRANT PROJECTS FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Shupe and Phillips voting "aye."



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**3. Consideration of an Ordinance to Amend the FY 2011 Schools  
Special Projects Fund Budget (AF: 111-2011).**

Adopt:

**Ordinance No. 6083**, AN ORDINANCE TO AMEND THE FY 2011 SCHOOL SPECIAL PROJECTS FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Shupe and Phillips voting "aye."

**4. Consideration of an Ordinance to Appropriate Grant Funds  
Received from the Library Services and Technology Act Grant and Local Match  
Funds Received as Donations from the Kingsport Lions Club and the Friends of  
the Kingsport Public Library to Purchase Technology Equipment and Devices  
(AF: 119-2011).**

Adopt:

**Ordinance No. 6084**, AN ORDINANCE TO AMEND THE GENERAL PROJECTS-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE LIBRARY SERVICES AND TECHNOLOGY ACT FOR THE YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Shupe and Phillips voting "aye."

**5. Consideration of a Resolution to Authorize the City Recorder  
to Reconcile and Adjust Uncollectible Property Tax for Year 2000 (AF: 123-2011).**  
This item was pulled from the agenda.

**6. Approve Issuance of Certificates of Compliance for  
Businesses to Sell Retail Alcoholic Beverages (AF: 124-2011).**

Approve:

APPROVE ISSUANCE OF CERTIFICATES OF COMPLIANCE FOR NORTH PLAZA PACKAGE STORE, KELLEY'S PACKAGE STORE, SAM'S PACKAGE STORE, WEST KINGSFORT PACKAGE STORE AND GREENACRES PACKAGE STORE TO SELL RETAIL ALCOHOLIC BEVERAGES

Passed in a roll call vote: Joh, Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

**VIII. COMMUNICATIONS.**

- A. CITY MANAGER.** Mr. Campbell commented that there had been several calls and emails received after the last storms from citizens in the recently annexed Colonial Heights area who were pleased with the City services.

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- B. MAYOR AND BOARD MEMBERS.** Alderman Shupe stated he was honored to be re-elected to the Board of Mayor and Alderman.

Alderman Joh pointed out that it was supposed to be 95 degrees tomorrow and encouraged everyone to bring their pets inside if possible and to provide adequate water. She also noted a benefit from government spending was the nine million dollars in grant money the City had received.


Alderman Marsh commented on the recent implementation of lights and gates at the Netherland Inn railroad crossing. He questioned how this occurred without the knowledge of the Metropolitan Planning Organization, of which he is a member. Public Works Director Ryan McReynolds stated a call had been made to CSX and it was most likely the result of safety improvements.

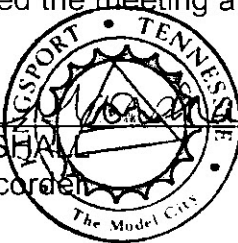
Alderman Munsey notified the Board he would be on vacation for the next meeting and would not be in attendance. He stated this was his last Board meeting after 12½ years and thanked the citizens of Kingsport for the privilege of being a part of the Board of Mayor and Aldermen.


Mayor Phillips announced the reception that would be held before the next meeting on July 5<sup>th</sup> at 5:30 p.m. to honor the Board members leaving and welcome the new ones. He stated both Alderman Munsey and Alderman Marsh would be sorely missed.

- C. VISITORS.** None.

**IX. ADJOURN.** Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:15 p.m.

  
ANGELA MARSHALL  
Deputy City Recorder



  
DENNIS R. PHILLIPS  
Mayor